

Atty. Dkt. No. P65287US1
Serial No. 09/779,612

REMARKS

This is in response to the Office Action of January 16, 2003 (Paper No. 7). By this Amendment, claims 1, 2, 25, 26 and 28 have been amended. Accordingly, claims 1, 2, 25, 26, 28 and 29 are in the application for further examination; the remaining claims are withdrawn from consideration. Of the claims under examination, claims 1 and 25 are in independent form.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Filed separately herewith is an Petition for Extension of Time along with a check in the amount of \$55.00. If the amount is in error, the Patent and Trademark Office is authorized to debit or credit, as appropriate, the undersigned attorney's Deposit Account No. 06-1358.

In the Office Action, various claims were rejected as indefinite. It is respectfully submitted that each of the objections pointed out by the Examiner in paragraph 3 of the Office Action have been corrected and the claims are now all definite.

The Examiner rejected each of the examined claims under 35 USC §102 as anticipated by Wallin U.S. Patent No. 3,908,318; Lee, Jr. U.S. Patent No. 4,530,507; and McCalmont U.S. Patent No. 5,494,269. Reconsideration is respectfully requested.

Generic claim 1 of the pending application recites a mechanically stiff three-component body formed by the workpiece, the holder and the carrier structure which are fixed together by attachment elements and/or the holding parts of the holder. Turning first to the Wallin reference, it is clear that

this reference discloses only a two-part unit which may be regarded as mechanically stiff, i.e. the table bed 32 and the cylinder plunger 30 which accomodates the piston 33. This unit serves as a support for a slab to be ground and not as a holding device for the slab. The slab rests loosely upon the support pad 35 of Wallin. By contrast, claim 1 of the present application recites a holder having holding parts for holding the workpiece. At column 3, lines 25-31 of Wallin it is recited that rubber pads are laid in the recess of the support pads 35. As stated in Wallin, this prevents the sliding of metal to metal by large tangential components of the grinding force. This can only be realized if the slab remains resting on the rubber pads and not on the support pads directly. Thus, the Examiner's interpretation of Wallin as having the upper edge portion of the element 35 in direct contact with the slab is believed incorrect. Thus claim 25, which recites the holder making direct contact with the support structure and workpiece, is not anticipated.

The Examiner's reliance on the Lee patent is similarly not justified. Although Lee discloses a fixed carrier structure 28 to which a holder 36 is bolted by screws 40, 42 (as shown in Figs. 2 and 3), the holder is equipped with a number of rolls 50 made of elastomeric material which "engage" radially a workpiece in the form of a pipe to be gripped by a chuck. The rolls do not serve for damping vibrations but only as a guide for the pipe into the chuck. Only when the pipe is gripped by radially inward moving jaws of the chuck are the rollers pressed radially on the pipe for preventing that end of the pipe from hitting one of the jaws. Thus, the workpiece is not fixedly mounted in an accurate position by the holder, i.e. is not held by the "holder".

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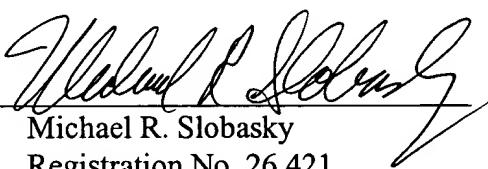
The McCalmont reference discloses a support 16 (see Fig. 2) upon which an end portion of a work piece 12 rests during machining by a rotary cutter 13 of the machine 10. Establishing an accurate position of the workpiece 12 is achieved by separate fixed fixture parts of the machine table 11. See column 2, lines 45-46. This is in contrast to the present invention where the holder itself provides for the desired accurate position of the workpiece. Further, it is not correct to state that the pads 27 of McCalmont would be "holding parts for holding the workpiece" as is claimed in claim 1. These pads of McCalmont only support the end portion 12b of the workpiece 12. Nor is there any "direct contact" as claimed in claim 25.

Thus, it is believed that this application is now in condition for allowance. Should the Examiner have any questions after reviewing this Amendment he is cordially invited to telephone the undersigned attorney.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Amend claims 1, 2, 25, 26 and 28 as follows:

1. (Amended) A holder for accurate positioning of a workpiece in the working area of a machine tool, ~~especially an electro erosion machine~~, said holder including attachment elements for attaching said holder to a fixed carrier structure, said holder further including holding parts for holding the workpiece, wherein at least one of said holder and at least one of said workpiece and carrier structure includes at least one vibration damper.

2. (Amended) The holder as claimed in claim 1, wherein said vibration damper includes a damper made of rubber or a rubbery material arranged between said holder and said at least one of said workpiece and carrier structure.

25. (Amended) A holder for positioning a workpiece within the working area of a machine tool, ~~in particular an electro erosion machine~~, said holder including fastening elements for fastening the holder to at least one of a stationary support structure and a workpiece, wherein at least one of said holder and said at least one of said support structure and workpiece includes at least one vibration damper, said vibration damper positioned between said holder and said one of said support structure and workpiece, further comprising at least one area where the holder and said one of said support structure and workpiece make direct contact.

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26. (Amended) The holder as claimed in claim 26, wherein said direct contact occurs in an area that completely envelops said vibration damper, ~~such as in the shape of a ring.~~

28. (Amended) The holder as claimed in claim 25, ~~further comprising a workpiece holder for holding said workpiece and wherein said holder is screwed or bolted in said at least one areas of said direct contact with at least one of said support structure and workpiece holder.~~